IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1448 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MOTA UJADA SEVA SAHAKARI MANDALI LTD

Versus

DISTRICT REGISTAR

Appearance:

MR JAYANT PATEL for Petitioner

GOVERNMENT PLEADER for Respondents.

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 27/06/2001

ORAL JUDGEMENT

Heard learned counsel appearing for the petitioner and the respondents.

2. Rule. Ms. Harsha Devani, learned AGP waives service of Rule and accepts the notice.

3. On the request of learned counsel for the parties this matter is taken up today for final disposal.

4. It is submitted by Mr. Jayant Patel, learned counsel for the petitioner that according to the bye-laws each taluka is a different constituency and each constituency must be represented by an elected representative to the Amreli District Co-operative Purchase and Sales Union Ltd., (hereinafter referred to as "Union") in the election which is held every three years. The relevant portion of the bye-laws (No. 26-A) of the Union which is reproduced as Annexure "A" Page 21 refers to 10 talukas and each taluka/mahal as different constituency having one representative in the said Union.

5. It is not disputed that one more taluka, namely Bagasara taluka was added in Amreli Revenue District. Therefore Amreli Dsitrict has additional taluka, namely Bagasara. Formerly Kankavav taluka and Bagasara taluka were treated as one constituency though they were different talukas. As per the bye-laws Annexure A, each taluka is required to be treated as a different constituency and each taluka must have its elected representative in the District Union.

6. It will be seen from the above that the bye-law No. 26A, Annexure "D" provide for representation from each taluka. In other words, each taluka would be a different constituency. In the instant case, the bye-laws provide for 10 talukas and the elected representative from each of the taluka/constituency. It is not disputed that Kankavav taluka and Bagasara taluka were treated as one common constituency and a common elected representative represents Bagasara taluka as well as Kankavav taluka. Under the circumstances the bye-laws of the Union needs amendment as regards the representation from all the talukas including Bagasara Taluka, now forming part of Amreli revenue district and the bye-law has to provide for a representation from each taluka/constituency including Kankavav taluka and Bagasara taluka as two different talukas/constituencies and for that purpose, it will be necessary to issue direction for suitable amendment in the bye-law No. 26A, Annexure "D", with reference to sub-section (1) of Section 14 of the Gujarat Co-operative Societies Act, so that Bagasara taluka as a different constituency has its elected representative in the Union.

7. Admittedly, the election to the Union is held every three years and last election to the Union was held in April 2000. Since the last election covering all the talukas of Amreli revenue district to the Union has been held in April 2000, the elections already held cannot be

and need not be disturbed and for that reason the prayer (A) cannot be granted.

8. In view of the above Respondent No.1 is directed to take suitable action or move the appropriate authority for taking appropriate action under sub-section (1) of Section 14 of the Gujarat Co-operative Societies Act as regards the amendment in the bye-law No. 26A of the Union within three months from the receipt of copy of this order, in view of the creation of the new taluka, namely Bagasara taluka. No other directions are required to be issued. This Special Civil Application is disposed of with the above direction to respondent No.1. Rule made absolute to the above extent. No order as to costs.

[N.G. Nandi, J.]

rmr.